

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Advanced Television Systems And Their ) MM Docket No. 87-268  
Impact Upon The Existing Television Service )

To: The Commission

**COMMENTS OF THUNDER BAY BROADCASTING CORPORATION**

Thunder Bay Broadcasting Corporation ("Thunder Bay"), licensee of television station WBKB-TV, Channel 11, Alpena, Michigan, by its counsel, respectfully submits the following comments in opposition to the recent ex parte submission of the Association for Maximum Service Television, Inc. ("MSTV") in the above-captioned proceeding.<sup>1</sup> While the filing purports to improve upon the digital television ("DTV") assignment/allotment table designed by the FCC,<sup>2</sup> implementation of its recommendations will result directly in the complete loss of commercial "off-air" television broadcast service to viewers in Alpena, Michigan, a single-station DMA.

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<sup>1</sup>Ex parte Submission Based on New Technical Discoveries to Help the Commission Improve the DTV Table of Allotments/Assignments, Association for Maximum Service Television, Inc. and Other Broadcasters in MM-Docket No. 87-268 (November 20, 1997) ("MSTV Submission").

<sup>2</sup>See Sixth Report and Order in MM Docket No. 87-268, FCC-97-115 (Rel. April 21, 1997), ("6th DTV Order"), Appendix B, Table 1.

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In adopting a DTV table of allotments, the Commission emphasized the following:

We believe it is important that our approach for development of DTV allotments minimize the amount of interference that would be caused to both existing TV service as well as the new DTV service. It is important . . . that the public does not lose television service during the transition.<sup>3</sup>

As demonstrated herein, adoption of the MSTV recommendations for WBKB-TV plainly would contradict and disserve this goal.

In the proposal contemplated by MSTV, WBKB-TV's antenna would be located at an HAAT of 196.5 meters rather than 204 meters as proposed by the FCC.<sup>4</sup> Consequently, the audience served by the station's DTV signal during the transition would decrease by 1,000 people due to increased interference.<sup>5</sup> The impact of this loss is significant.

Station WBKB-TV is the only commercial television station in its DMA and its signal provides coverage to the areas of Alpena and the surrounding communities where no other commercial television signal can be received "off-air." Moreover, only 60% of the residents in these "white areas" receive cable television service. Thus for the viewers who lose the WBKB-TV signal during the DTV transition, free, commercial "off-air" television is utterly unavailable. Viewers are not merely inconvenienced at the loss of one local station or deprived access to one network affiliate. Without the WBKB-TV signal, commercial television service would become non-existent for these viewers.

Avoiding a loss of broadcast service has long been regarded as a compelling public interest concern. Maintaining service has justified waiver of the Commission's multiple

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<sup>3</sup>6th DTV Order at ¶ 87.

<sup>4</sup>See MSTV Submission, Exhibit 1A at 21 and 6th DTV Order Appendix B, Table 1 at B-23).

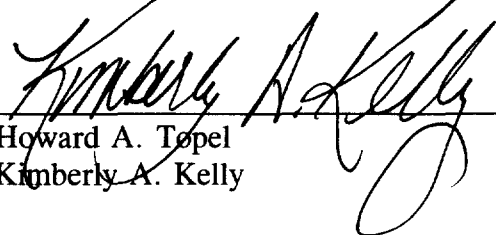
<sup>5</sup>Id.

ownership rules,<sup>6</sup> permitted stations to operate as satellite stations,<sup>7</sup> supported grant of a waiver of technical broadcast regulations,<sup>8</sup> and justified a prior licensee's operation of a station after the licensee's operating authority had expired.<sup>9</sup> Here also, the complete loss of "off air" commercial television service for 1,000 viewers warrants rejection of the MSTV Submission. Implementation of the plan would create the very result the Commission pledged to prevent in its 6th DTV Order -- a loss of broadcast service.

The public interest requires that Thunder Bay maintain its ability to offer DTV service to a maximum number of viewers without interruption. For the above-described reasons, Thunder Bay strongly opposes adoption of the MSTV Submission proposals for "improvement" of the FCC DTV assignment/allotment table.

Respectfully submitted,

THUNDER BAY BROADCASTING CORPORATION

  
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Dated: December 17, 1997/60693

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<sup>6</sup>Liggett Broadcast, Inc., 7 FCC Rcd 7124 (1992) (one-to-a-market waiver) and Channel 64 Joint Venture, 3 FCC Rcd 900 (1988) (waiver of the attribution rules).

<sup>7</sup>Stauffer Communications, Inc., 10 FCC Rcd 5165 (1995).

<sup>8</sup>Siete Grand Television, Inc., 7 FCC Rcd 5299 (1992).

<sup>9</sup>RKO General Inc. (WNAC-TV), 89 FCC 2d 361 (1982).

## CERTIFICATE OF SERVICE

I, Annette M. Lach, a secretary at the law firm of Fleischman and Walsh, L.L.P.  
hereby certify that copies of the foregoing Comments of Thunder Bay Broadcasting  
Corporation were served this 17th day of December 1997, via regular mail, upon the  
following:

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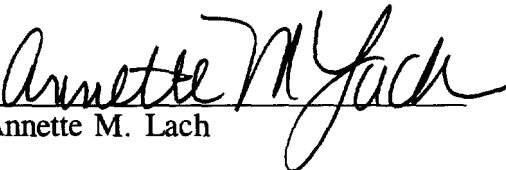
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